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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/059,086 | 01/28/2002 | Michael Wayne Brown | AUS920010519US1 | 3222 |

43307 7590 01/25/2005

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EXAMINER

ZHOU, TING

| | |
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| ART UNIT | PAPER NUMBER |
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2173

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/059,086

Applicant(s)

BROWN ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 3,9 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 8 December 2004 have been received and entered. Claims 1-18 as amended are pending in the application.

Allowable Subject Matter

2. Claims 3, 9 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter: Each of dependent claims 3, 9 and 15, when taken as a whole with independent claims 1, 7 and 13 respectively, identify the district features of “adjusting a transparency of said graphical transparency characteristic aid according to user transparency preference, determining a display position for said graphical transparency characteristic aid; and adjusting said transparency of said graphical transparency characteristic aid according to said display position”. The closest prior art, Andrew et al. U.S. Patent 6,633,310 and Vinberg U.S. Publication 2002/0138602 teach displaying a user interface comprising at least one displayable object within a display area controlled by a computer system, monitoring a transparency associated with the at least one displayable object and responsive to an initiating event, placing a graphical transparency characteristic aid displaying a percentage indicating the monitored transparency of the at least one displayable object within the display area, such that the at least one displayable object is not obscured by the graphical transparency characteristic aid. In the case of the Andrew et al.

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reference, Andrew et al. teach displaying interface elements on the GUI, monitoring the switch between translucency and opaqueness of graphical user interface elements, and responsive to the user positioning the pointer over an element, the element changes transparency from being translucent to opaque and correspondingly, a characteristic aid, or sound can be played in conjunction with the element changing transparency level from being translucent to opaque. In the case of the Vinberg reference, Vinberg teaches a status indicator graphically displaying a percentage of the object. The prior art fails to teach adjusting a transparency of the graphical transparency characteristic aid according to user transparency preference, determining a display position for the graphical transparency characteristic aid, and adjusting the transparency of the graphical transparency characteristic aid according to the display position. Therefore, the prior art fails to anticipate or render the above limitations obvious

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-8, 10-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew et al. U.S. Patent 6,633,310 and Vinberg U.S. Publication 2002/0138602.

Referring to claims 1, 7 and 13, Andrew et al. teach a method, system and program comprising a graphical user interface (Andrew et al.: column 4, lines 51-53), displaying a user interface comprising at least one displayable object within a display area controlled by a computer system (displaying interface elements on the GUI) (Andrew et al.: column 4, lines 59-67 and further shown in Figure 2), monitoring a transparency associated with the at least one displayable object (monitoring the switch between translucency and opaqueness of graphical user interface elements) (Andrew et al.: column 1, lines 62-63), and responsive to an initiating event, placing a transparency characteristic aid indicating the monitored transparency of the at least one displayable object within the display area, such that the at least one displayable object is not obscured by the transparency characteristic aid (responsive to the user positioning the pointer over an element, the element changes transparency from being translucent to opaque and correspondingly, a characteristic aid, or sound can be played in conjunction with the element changing transparency level from being translucent to opaque) (Andrew et al.: column 1, lines 62-67 through column 2, lines 1-3 and column 7, lines 26-35). However, Andrew et al. fail to explicitly teach the transparency characteristic aid being a graphical transparency characteristic aid displaying a percentage. Vinberg teach a graphical user interface that monitors the properties of displayed objects (Vinberg: page 2, paragraph 0012) similar to that of Andrew et al. In addition, Vinberg further teaches placing a graphical aid (status indicator) displaying a percentage (the indicator in Figure 5 graphically displays a percentage of the object) (Vinberg: page 3, paragraph 0031-0032). It would have been obvious to one of ordinary skill in the art, having the teachings of Andrew et al. and Vinberg before him at the time the invention was made, to modify placing of the transparency characteristic aid of Andrew et al. to include the

graphical display of a percentage indicating aid taught by Vinberg: One would have been motivated to make such a combination in order to provide a visual status indicator of displayed objects, allowing users to easily and efficiently view and management displayed objects and their relationships.

Referring to claims 2, 8 and 14, Andrew et al., as modified, teach responding to an initiating event, wherein the initiating event is at least one of a cursor placement, an occurrence of a user-defined event, and a user input (the transparency of the element is adjusted, and therefore the sound is played, as a response to user input of positioning the cursor over the element) (Andrew et al.: column 1, lines 63-67).

Referring to claims 4, 10 and 16, Andrew et al., as modified, teach monitoring a plurality of factors that determine the transparency associated with the at least one displayable object (monitoring factors that affect the switch between the elements being translucent and opaque, and vise versa, such as the pointer position, how the long the pointer has remained on the element, etc.) (Andrew et al.: column 1, lines 62-67 through column 2, lines 1-8 and column 6, lines 50-58).

Referring to claims 5, 11 and 17, Andrew et al., as modified, teach placing the graphical transparency characteristic aid to maximize space remaining in the display area (since the transparency characteristic aid is an audio sound, no additional screen space is utilized and therefore, the space remaining in the display area is minimized) (Andrew et al.: column 7, lines 26-35 and Vinberg: page 3, paragraph 0032).

Referring to claims 6, 12 and 18, Andrew et al., as modified, teach initializing the graphical transparency characteristic aid, wherein the graphical transparency characteristic aid

comprises at least one from among text, graphics, video and audio (the transparency aid comprises an audio sound providing confirmation to the user of the monitored transparency changes) (Andrew et al.: column 7, lines 26-35).

Response to Arguments

5. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

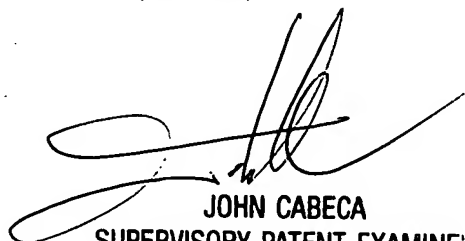
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15 January 2005



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2107